

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4589
OFFERED BY MR. CASTRO OF TEXAS**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Diversity and Inclusion at the Department of State Act”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Definition.

TITLE I—CHIEF DIVERSITY AND INCLUSION OFFICER

Sec. 101. Chief diversity and inclusion officer.

**TITLE II—DIVERSITY IN THE FOREIGN AND CIVIL SERVICE AND
AT THE DEPARTMENT OF STATE**

Sec. 201. Representation on board of examiners for the purposes of entry into the Foreign Service.

Sec. 202. Promotion in the Foreign Service.

Sec. 203. Mentorship program.

Sec. 204. Senior executive service candidate development program.

Sec. 205. Diversity defined in the Foreign Service Act of 1980.

6 SEC. 2. DEFINITION.

7 In this Act, the term “diversity” means those classes
8 of persons protected under the Civil Rights Act of 1964
9 (42 U.S.C. 2000a et seq.) and the Americans with Disabil-
10 ities Act of 1990 (42 U.S.C. 12101 et seq.).

1 **TITLE I—CHIEF DIVERSITY AND**
2 **INCLUSION OFFICER**

3 **SEC. 101. CHIEF DIVERSITY AND INCLUSION OFFICER.**

4 (a) ESTABLISHMENT.—Section 1 of the State De-
5 partment Basic Authorities Act of 1956 (22 U.S.C.
6 2651a) is amended by adding at the end the following new
7 subsections:

8 “(i) CHIEF DIVERSITY AND INCLUSION OFFICER.—

9 “(1) IN GENERAL.—There is established in the
10 Department of State, in the office of the Secretary
11 of State, a Chief Diversity and Inclusion Officer,
12 who shall—

13 “(A) serve as the principal advisor to the
14 Secretary of State on issues related to diversity
15 and inclusion at the Department of State; and

16 “(B) report directly to the Secretary of
17 State.

18 “(2) DUTIES.—The Chief Diversity and Inclu-
19 sion Officer shall be responsible for the following:

20 “(A) Developing, implementing, and updat-
21 ing a diversity and inclusion strategic plan of
22 the Department of State to eliminate barriers
23 to the recruitment, promotion, and retention of
24 traditionally underrepresented groups and to
25 promote the implementation of diversity and in-

1 clusion practices and policies throughout the
2 Department.

3 “(B) Establishing criteria and goals for in-
4 dividual offices and bureaus regarding assign-
5 ments of personnel, in coordination with the Di-
6 rector General of the Foreign Service, to pro-
7 mote diversity and inclusion at the Department
8 of State, and conducting annual reviews of indi-
9 vidual bureaus on their actions taken to satisfy
10 such criteria and goals.

11 “(C) Serving as a permanent member of
12 any departmental committees responsible for
13 the selection of chiefs of mission and deputy
14 chiefs of mission.

15 “(D) Serving as the Executive Secretary
16 for the Diversity, Equity, Inclusion, and Acces-
17 sibility Leadership Council established in sub-
18 section (j).

19 “(E) Reviewing the implementation and ef-
20 fectiveness of the Department of State’s ac-
21 countability mechanisms in eliminating dis-
22 crimination and harassment, ensuring con-
23 sequences are implemented for perpetrators of
24 harassment, bullying, and discrimination, and
25 that managers with a documented track record

1 of such behavior are not selected for senior
2 management positions, including as chiefs of
3 mission, deputy chiefs of mission, principal offi-
4 cers, assistant secretaries, deputy assistant sec-
5 retaries, or political advisors.

6 “(F) Ensuring allocation of adequate re-
7 sources for carrying out subparagraph (E).

8 “(G) Promoting mentorship and sponsor-
9 ship for entry- and mid-level employees at the
10 Department of State to promote diversity and
11 inclusivity.

12 “(H) Collaborating with appropriate coun-
13 terparts from other Federal departments and
14 agencies and the private sector, to share best
15 practices and lessons learned with respect to
16 promoting diversity and inclusion.

17 “(3) RANK AND STATUS.—The Chief Diversity
18 and Inclusion Officer shall be rank equivalent to an
19 Assistant Secretary of State.

20 “(4) BUREAU SENIOR ADVISORS.—The Sec-
21 retary of State shall appoint in each bureau of the
22 Department of State a Senior Advisor with respect
23 to matters relating to diversity and inclusion, to—

1 “(A) serve as the principal advisor for such
2 bureau and report directly to the Principal
3 Deputy Assistant Secretary; and

4 “(B) coordinate with the Chief Diversity
5 and Inclusion Officer the activities of such bu-
6 reau.

7 “(5) AUTHORITY TO COLLECT INFORMATION.—
8 To carry out the duties described in paragraph (2),
9 the Chief Diversity and Inclusion Officer is author-
10 ized to—

11 “(A) collect and share with Department of
12 State leadership, the Committee on Foreign Af-
13 fairs of the House of Representatives, the Com-
14 mittee on Foreign Relations of the Senate, and
15 Federal departments and agencies, and, as ap-
16 propriate, with Employee Affinity Groups, for-
17 eign affairs professional associations, and other
18 organizations non-personally identifiable infor-
19 mation on diversity in recruiting, hiring, assign-
20 ments, promotions, attrition, and security clear-
21 ances, including assignment restrictions, within
22 the Department, including data disaggregated
23 by race, national origin, and sex, and by office
24 and bureau; and

1 “(B) appoint subject matter experts in ac-
2 cordance with the Intergovernmental Personnel
3 Act of 1970 (42 U.S.C. 4701 et seq.) to analyze
4 data, draft reports, and perform other tasks as
5 directed by the Chief Diversity and Inclusion
6 Officer.

7 “(6) REPORTING.—Not later than January 30
8 of every year, the Secretary of State shall submit to
9 the Committee on Foreign Affairs of the House of
10 Representatives and the Committee on Foreign Re-
11 lations of the Senate a report—

12 “(A) detailing the criteria and goals for in-
13 dividual offices and bureaus of the Department
14 of State with respect to diversity and inclusion;

15 “(B) assessments by the Chief Diversity
16 and Inclusion Officer on the performance over
17 the previous year of each such office and bu-
18 reau to satisfy such criteria and goals; and

19 “(C) containing any other relevant infor-
20 mation.

21 “(7) DISCLOSURES TO CONGRESS.—The provi-
22 sions under relevant laws and regulations providing
23 that information collected by an agency shall be dis-
24 closed only in the form of gross statistics shall not
25 apply to disclosures by the Department of State to

1 the Committee on Foreign Affairs of the House of
2 Representatives or the Committee on Foreign Rela-
3 tions of the Senate, including with respect to
4 disaggregated data and other such communications
5 related to diversity at the Department of State.

6 “(8) DEFINITION.—In this subsection and sub-
7 section (j) (relating to the Diversity and Inclusion
8 Leadership Council), the term ‘diversity’ means
9 those classes of persons protected under the Civil
10 Rights Act of 1964 (42 U.S.C. 2000a et seq.) and
11 the Americans with Disabilities Act of 1990 (42
12 U.S.C. 12101 et seq.).

13 “(j) DIVERSITY, EQUITY, INCLUSION, AND ACCESSI-
14 BILITY LEADERSHIP COUNCIL.—

15 “(1) ESTABLISHMENT.—The Secretary of State
16 shall establish a Diversity, Equity, Inclusion, and
17 Accessibility Leadership Council to coordinate the
18 implementation of the Department of State’s diver-
19 sity and inclusion strategic plans, initiatives, and
20 policies.

21 “(2) CHAIR.—The Diversity, Equity, Inclusion,
22 and Accessibility Leadership Council shall be chaired
23 by the Secretary of State. In the Secretary’s ab-
24 sence, the Chief Diversity and Inclusion Officer shall
25 perform the duties of the chair.

1 “(3) COMPOSITION.—The Diversity, Equity, In-
2 clusion, and Accessibility Leadership Council shall
3 include the following:

4 “(A) The Secretary of State.

5 “(B) The Chief Diversity and Inclusion Of-
6 ficer.

7 “(C) The Director General.

8 “(D) One individual from each Bureau, at
9 the rank of Deputy Assistant Secretary of State
10 or above.

11 “(E) Any other individual determined ap-
12 propriate by the Secretary of State.

13 “(4) TERM.—Members of the Diversity, Equity,
14 Inclusion, and Accessibility Leadership Council shall
15 be appointed in accordance with this subsection for
16 a period of time as determined by the Secretary of
17 State.”.

18 (b) TRANSITION.—The individual serving as Chief
19 Diversity and Inclusion Officer of the Department of State
20 may continue to serve in such position until such time as
21 the appointment of the Chief Diversity and Inclusion Offi-
22 cer of the Department in accordance with subsection (i)
23 of section 1 of the State Department Basic Authorities
24 Act of 1956, as added by subsection (a).

1 (c) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Chief Diversity and Inclusion Officer of the
3 Department of State established pursuant to subsection
4 (i) of section 1 of the State Department Basic Authorities
5 Act of 1956, as added by subsection (a), should be pro-
6 vided sufficient office space and support staff to ensure
7 successful operation.

8 **TITLE II—DIVERSITY IN THE**
9 **FOREIGN AND CIVIL SERVICE**
10 **AND AT THE DEPARTMENT OF**
11 **STATE**

12 **SEC. 201. REPRESENTATION ON BOARD OF EXAMINERS**
13 **FOR THE PURPOSES OF ENTRY INTO THE**
14 **FOREIGN SERVICE.**

15 It is the sense of Congress that the Department of
16 State Board of Examiners Secretariat should reflect the
17 diversity of the United States in the administration of
18 exams for entry into the Foreign Service of individuals
19 who satisfy the rigorous requirements of the Service and
20 reflect the diversity of the American people.

21 **SEC. 202. PROMOTION IN THE FOREIGN SERVICE.**

22 The Foreign Service Act of 1980 is amended—

23 (1) in section 602 (22 U.S.C. 4002), by adding
24 at the end the following new subsection:

1 “(d) Not later than January 31 of each year, the Sec-
2 retary of State shall submit to the Committee on Foreign
3 Affairs of the House of Representatives and the Com-
4 mittee on Foreign Relations of the Senate a report that—

5 “(1) details the demographic composition of se-
6 lection boards under this section and the Board of
7 Examiners for the Foreign Service under section
8 211 convened in the previous year;

9 “(2) may include information on the diversity of
10 the members of such boards; and

11 “(3) includes any other information the Sec-
12 retary determines relevant.”; and

13 (2) in section 603 (22 U.S.C. 4003)—

14 (A) in subsection (a), in the second sen-
15 tence, by inserting “testimony from peers and
16 subordinates,” after “supervisors,”; and

17 (B) in subsection (b)—

18 (i) in paragraph (1), by striking “,
19 or” and inserting “; or”;

20 (ii) by redesignating paragraphs (1)
21 and (2) as paragraphs (3) and (4), respec-
22 tively; and

23 (iii) by inserting before paragraph (3),
24 as so redesignated, the following new para-
25 graphs:

1 “(1) a record of supporting the recruitment and
2 career development goals of members of the Foreign
3 Service, such as serving as a mentor in mentorship
4 program under section 709, participation in recruit-
5 ment activities, or serving on the Board of Exam-
6 iners or on selection boards;

7 “(2) a record of promoting and supporting di-
8 versity and inclusion at the Department of State, in-
9 cluding in management practices;”.

10 **SEC. 203. MENTORSHIP PROGRAM.**

11 (a) IN GENERAL.—The Foreign Service Act of 1980
12 is amended by inserting after section 708 (22 U.S.C.
13 4028) the following new sections:

14 **“SEC. 709. MENTORSHIP PROGRAM.**

15 “(a) The Secretary of State shall establish in the De-
16 partment of State a mentorship program to help individ-
17 uals under-represented in specific ranks of the Foreign
18 Service obtain advancement through the mid-ranks and
19 into the Senior Foreign Service. Such program shall
20 match interested participants who are—

21 “(1) entry-level members of the Foreign Service
22 with mid-level members of the Foreign Service; and

23 “(2) mid-level members of the Foreign Service
24 with senior-level members of the Foreign Service.

1 “(b) Individuals participating in the mentorship pro-
2 gram under this section should participate for a minimum
3 of two years.

4 “(c) The mentorship program established under this
5 section may include members of Employee Affinity Groups
6 as mentors, in addition to other individuals selected by the
7 Secretary of State.

8 “(d) Service as a mentor in the mentorship program
9 may be considered as satisfying the criteria described in
10 section 603(b)(1).”.

11 (b) CLERICAL AMENDMENT.—The table of contents
12 in section 2 of the Foreign Service Act is amended by in-
13 serting after the item relating to section 707 the following
14 new items:

“Sec. 708. Training for Foreign Service officers.

“Sec. 709. Mentorship program.”.

15 (c) MENTORSHIP PROGRAM FOR CIVIL SERVICE.—

16 (1) IN GENERAL.—The Secretary of State shall
17 establish a mentorship program to match mentors
18 with interested participants who are—

19 (A) members of the civil service at the GS–
20 12 level and below; and

21 (B) members of the civil service from at
22 the GS–13 level and above.

23 (2) DURATION.—Individuals participating in
24 the civil service mentorship program under para-

1 graph (1) should participate for a minimum of two
2 years.

3 (3) INCLUSION OF EMPLOYEE AFFINITY
4 GROUPS.—Members of Employee Affinity Groups
5 and other individuals selected by the Secretary of
6 State may serve as mentors in the civil service
7 mentorship program under paragraph (1).

8 **SEC. 204. SENIOR EXECUTIVE SERVICE CANDIDATE DEVEL-**
9 **OPMENT PROGRAM.**

10 (a) IN GENERAL.—The Secretary of State shall offer
11 the Senior Executive Service Candidate Development Pro-
12 gram every three years to members of the civil service at
13 the Department of State at the GS–14 and GS–15 levels.

14 (b) REPORT.—The Secretary of State shall submit to
15 the Committee on Foreign Affairs of the House of Rep-
16 resentatives and the Committee on Foreign Relations of
17 the Senate, at the same time as each report required
18 under section 313 of the Foreign Service Act of 1980, as
19 added by section 2(a)(2), a report detailing disaggregated
20 demographic information of candidates referred by each
21 bureau of the Department of State to interview for the
22 Senior Executive Service, including demographic informa-
23 tion, disaggregated by bureau, relating to the diversity of
24 such candidates.

1 **SEC. 205. DIVERSITY DEFINED IN THE FOREIGN SERVICE**

2 **ACT OF 1980.**

3 Section 102 of the Foreign Service Act of 1980 (22
4 U.S.C. 3902) is amended by—

5 (1) redesignating paragraphs (5) through (12)
6 as paragraphs (6) through (13), respectively; and

7 (2) inserting after paragraph (4) the following
8 new paragraph:

9 “(5) ‘diversity’ has the meaning given such
10 term in subsection (i) of section 1 of the State De-
11 partment Basic Authorities Act of 1956 (22 U.S.C.
12 2651a);”.

